

**SENTENCING MINUTES**  
NORFOLK DIVISION

Set: 2:30pm  
Started: 2:30pm  
Ended: 3:48pm

Date: 12/16/14  
Judge: Henry Coke Morgan, Jr., SUSDJ  
Court Reporter: Heidi Jeffreys, DCR  
U. S. Attorney: Melissa O'Boyle  
Defense Counsel: James Proccoletti, Ret.  
Randall Leeman, Ret.  
Probation Officer: Leah Breathouse  
Courtroom Deputy: Lori Baxter / Timothy  
Garde

Case No. 2:14 CR 49

Interpreter: \_\_\_\_\_

Defendant: David R. Flynn  on bond  in custody

- Came on for disposition.  Deft. sworn.  
 Govt /Deft motion \_\_\_\_\_ - Argued  
 GRANTED  DENIED
- Presentence report reviewed.  
 Court ACCEPTS the factual content of PSR as factual findings and the application of guidelines.  
 Objections heard & rulings made.  
 Evidence presented (Witnesses & Exhibits listed on last page)  
 Arguments heard  
 Statement of defendant heard  
 Court finds deft. GUILTY as to Count(s) \_\_\_\_\_ after a plea before a USMJ.  
 Deft. stipulated to receiving 2-point sentence reduction pursuant to Attorney General policy.

**IMPRISONMENT:**

Count(s) 1, 2: The deft. shall be committed to the custody of the BOP to be imprisoned for a term of 71 months. This term consists of 71 months on Count 1 and a term of 71 months on Count 2, all to be served concurrently/consecutively.

The deft shall receive credit for time served.  
 The deft is remanded to the custody of the U. S. Marshal.  
 The deft shall surrender for service of the sentence at the institution designated by the Bureau of Prisons / U. S. Marshal Service, before Within 45 days of today or whenever, as notified by the U. S. Marshal.

**PROBATION / SUPERVISED RELEASE:**

The deft shall be placed on Probation for a term of \_\_\_\_\_ years.

Upon release from imprisonment, the deft. shall be on supervised release for a term of 3 years. This term consists of 3 years on Count 1, a term of 3 years on Count 2, all to run concurrently.

**DRUGS:**

As reflected in the presentence report, the deft presents a low risk of future substance abuse and therefore, the Court hereby suspends the mandatory condition for substance abuse testing as defined by 18 U.S.C. 3563(a)(5). However, this does not preclude the United States Probation Office from administering drug tests as they deem appropriate.

The deft shall refrain from any unlawful use of a controlled substance and submit to one drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter, at times and places directed by the probation officer.

The deft shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential and/or out-patient treatment and testing to determine whether the deft has reverted to the use of drugs or alcohol, with partial costs to be paid by the deft, all as directed by the probation officer.

If the deft tests positive for the use of any controlled substance or abuse of alcohol, he will be required to enroll in and successfully complete a program for substance abuse treatment and he shall waive the confidentiality of any information disclosed during such treatment so that the Court and the probation officer will be able to make a determination of the duration and nature of the treatment required.

**MENTAL HEALTH & ANGER MANAGEMENT:**

*Substance abuse and alcohol abuse*

The deft shall participate in a mental health and/or anger management treatment program, as directed by the Probation Officer. He shall be required to waive any right of confidentiality as to any mental health treatment received in order to allow release of information to the Probation Officer, so the Probation Officer, and if necessary, the court, can determine whether the defendant should continue mental health treatment or medication.

**MONETARY CONDITIONS:**

The deft shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer and shall provide the probation officer access to any requested financial information.

The deft shall apply monies received from income tax refunds, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

The deft shall participate in the Treasury Offset Program as directed by the probation officer.

**MOTOR VEHICLE:**

If the deft commits a moving traffic violation, he shall not operate any form of motor vehicle during the period of supervised release.

If the deft tests positive for use of a controlled substance or abuse of alcohol, he shall not operate a motor vehicle during the period of supervised release, regardless of the status of his operator's license.

The deft is prohibited from operating any motor vehicle while on supervised release.

**CHILD SUPPORT:**

The Court reserves the right to impose child support upon the defendant's release. The defendant shall comply with all existing orders of support.

The defendant shall pay support in accordance with any outstanding order by any agency or court having jurisdiction over his children. If there is no such order in effect during his period of supervised release, the Court will impose its own requirement.

**EDUCATION & EMPLOYMENT:**

The defendant shall obtain his/her GED and develop a skill and/or trade while on supervised release.

If at any time the defendant is unemployed for a period of 60 days during his period of supervised release, the Court will order that he be required to obtain vocational training to improve his opportunities for employment.

The deft is prohibited from engaging in any occupation where the deft would have access to individuals' personal information, money or accounts. (*Handling or custody of funds*)

**ILLEGAL ALIEN:**

Upon completion of the term of imprisonment, the deft is to be surrendered to a duly-authorized immigration official of the Department of Homeland Security Bureau of Immigration and Customs Enforcement for a deportation hearing in accordance with established procedures provided by the Immigration and Naturalization Act, T.8 USC, Section 1101, et seq. If deported, the deft shall not re-enter the U.S. without the express permission of the U. S. Attorney General.

If at any time the deft illegally reenters the United States during the term of supervised release, his illegal reentry will be a violation of supervised release, as well as a violation of law.

**HOME DETENTION & MONITORING :**

The deft shall participate in the Home Confinement Program, which shall include electronic monitoring at the deft's expense, for a period not to exceed \_\_\_\_\_ consecutive months/days as directed by the probation officer. During this time, he shall remain at his place of residence except for employment, obtaining medical attention for himself and family, attending religious services if he be so inclined and other activities approved in advance by the probation officer.

The deft shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding", "caller ID", "call waiting", portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. The deft shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of electronic monitoring, all as directed by the probation officer.

The deft shall be ineligible for all federal benefits

**FINANCIAL PENALTIES:**

The defendant shall pay a fine of \$\_\_\_\_\_. Interest waived:  Yes  No

The defendant shall make restitution in the amount of \_\_\_\_\_ pursuant to the plea agreement and/or as set out in the Restitution Judgment \_\_\_\_\_. Interest waived:  Yes  No as long as deft. complies w/ Restitution Order

Restitution Judgment entered & filed in open Court.

Consent Order previously entered to be made part of judgment - part of his sentence

Restitution is joint and several with \_\_\_\_\_

The defendant shall pay a special assessment of \$ 200.00, which shall be due immediately and if not paid immediately, may be deducted from the defendant's prison account in accordance with the rules and regulations application to such accounts.

It shall be a condition of supervised release that the defendant pays any criminal monetary penalties that remain unpaid at the time of supervised release.

The Court waives the cost of prosecution, incarceration, and supervised release.

Consent Order of Forfeiture entered & filed in open Court.

**RECOMMENDATIONS TO THE BUREAU OF PRISONS:**

The Court recommends that the defendant be incarcerated that the defendant be confined in an institution which has available the treatment that he needs which is principally for substance alcohol abuse.

The Court recommends that while incarcerated:

- \_\_\_\_\_ The defendant shall participate in a substance abuse program.
- \_\_\_\_\_ The defendant shall develop a skill or trade
- \_\_\_\_\_ The defendant shall obtain his / her GED.

The defendant notified of the right of appeal.

Court noted that the defendant waived the right of appeal in the plea agreement.

On motion of the government, all remaining counts are dismissed.

The defendant is continued on present bond & cautioned re. bail jumping. - cannot leave EDVA Sarne

**ADDITIONAL COUNTS / COMMENTS:**

- Enhancement for sophisticated means 63-78
- Self surrender

**WITNESSES:**

USA - Karen Busby

Deft. David Langille

Deft. Caroline Turner English

**EXHIBITS:**

USA 2 - Disbursement Schedule